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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/612,132

07/07/2000

Anders Nohlgren

003250-227

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7590

11/21/2003

ERICSSON INC.
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EXAMINER

ODOM, CURTIS B

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,132

Applicant(s)

NOHLGREN ET AL.

Examiner

Curtis B. Odom

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 11, 12, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-10, 15-25, and 28-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 7/8/1999. It is noted, however, that applicant has not filed a certified copy of the Swedish application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed 4/9/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. There are no copies of the documents listed in the information disclosure statement in the file. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

3. The abstract of the disclosure is objected to because on line 18, "(FIG. 2)" should be deleted. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: On page 15, line 13, the word "own" is suggested to be deleted. Appropriate correction is required.

Claim Objections

5. Claims 1-31 are objected to because of the following informalities:
- a. In claim 1, the word "Method" is suggested to be changed to "a method".
 - b. In claim 2, the phrase "in form" is suggested to be changed to "in the form".
 - c. In claims 2-26, the word "method" is suggested to be changed to "the method".
 - d. In claim 8, the phrase "in that it is" is suggested to be changed to "in that the method is".
 - e. In claims 10 and 11, the phrase "said transmitting" is suggested to be changed to "the transmitting."
 - f. In claim 12, the phrase "said estimation" is suggested to be changed to "the estimation".
 - g. In claim 12, the phrase "and transmitted as" is suggested to be changed to "or transmitted as".
 - h. In claim 12, the phrase, "own packets" is suggested to be changed to "individual packets".
 - i. In claims 14 and 16, the phrase "said time" is suggested to be "the time".
 - j. In claim 23, the phrase "the soundboard buffer" is suggested to be changed to "a soundboard buffer".
 - k. In claim 24, the phrase "in step a)" should be deleted.

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l. In claim 27, the word "Arrangement" is suggested to be changed to "An arrangement."

n. In claims 28-31, the word "Arrangement" is suggested to be changed to "The arrangement".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 11 recites the limitation "the session" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6, 7, 12, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (U.S. Patent No. 5, 929, 921).

Regarding claim 1, Taniguchi et al. discloses a method for sending information data between at least two transceivers in a telecommunication system (column 4, lines 41-46, wherein

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the transmitter and receiver are implemented in transceivers), wherein the information data is transmitted from the sending side of a transceiver to the receiving side of one or more other transceivers (column 4, line 47-column 5, line 11) in the form of digital signals having a given sampling frequency (column 15, lines 31-34), which signals are played out at the receiving side in a controlled way (column 20, lines 9-17, comprising the following steps:

transmitting (Fig. 1 and Fig. 15(a), column 14 lines 51-64 and column 15, lines 22-46)

RATE a sampling frequency to the receiving side; and

controlling (Fig. 7, block 305, column 31-56) the play-out of the received data at the receiving side by means of the sampling rate transmitted by the sending side to avoid delays in the presentation, wherein it is obvious that the sampling rate is used to control the play of the audio data at the receiver end.

Taniguchi et al. does not disclose estimation of the sender's sampling frequency at the sending side. However, Taniguchi et al. does disclose that an object of the invention is to maintain a phase relation between the sending and receiving sides of the transmission.

Therefore, it would have been obvious to one skilled in the art that the sampling rate transmitted by the sender to the receiver is an estimation or calculation of the sampling rate at the sender's side which would help maintain a phase relation between the sending and receiving sides and achieve transmission of the signals that causes less jitter and noise during play-out.

Regarding claim 2, which inherits the limitations of claim 1, Taniguchi et al. discloses the information data is sent in the form of packet data frames (column 14, lines 51-64).

Regarding claim 3, which inherits the limitations of claim 3, Taniguchi et al. discloses the packet data frames are audio frames (column 14, lines 51-64).

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Regarding claim 6, which inherits the limitations of claim 1, Taniguchi et al. does not disclose the controlling of the play-out of received data at the receiving side by means of the sampling rate estimated at the sending side is carried out by synchronizing the receiver's sampling rate to the sender's sampling rate. However, Taniguchi et al. does disclose the receiver using the sampling rate and clock phase information sent by the sender to read out an audio signal (column 15, lines 23-55). Therefore, it would have been obvious to one skilled in the art at the time the invention was made that this information would be used to synchronize the receiver's sampling rate to the sender's sampling rate to produce a signal with reduced jitter and noise.

Regarding claim 7, which inherits the limitations of claim 6, Taniguchi et al. discloses a synchronization (clock recovery) is carried out by means of a PLL (column 14, lines 10-21).

Regarding claim 12, which inherits the limitations of claim 1, Taniguchi et al. discloses the sampling rate is either or both incorporated in regular reports within standard control packets or transmitted as separate reports within individual packets (column 14, line 51-column 15, line 46).

Regarding claim 26, which inherits the limitations of claim 1, Taniguchi et al. discloses the sampling rate is continuously transmitted to the receiver (column 15, lines 49-56), therefore the estimation process at the sender is performed continuously (see rejection of claim 1).

Regarding claim 27, the device includes features corresponding to subject matter mentioned above in the rejection of claim 1 which is applicable hereto.

Allowable Subject Matter

8. Claims 4, 5, 8-10, 13-25, and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if above objections are overcome and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown (U.S. Patent No. 6, 226, 356) discloses calculating a sampling rate at the sender's side and transmitting the information to the receiver.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 703-305-4097. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 709-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Curtis Odom
November 14, 2003


STEPHEN CHIN
SUPERVISORY PATENT EXAMINEE
TECHNOLOGY CENTER 2600